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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,282	12/26/2000	Gene R. Anderson	1613370-0011	5695

7470 7590 12/18/2002

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EXAMINER
RAHLL, JERRY T

ART UNIT	PAPER NUMBER
2874	

DATE MAILED: 12/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/749,282	ANDERSON ET AL.	
	Examiner	Art Unit	
	Jerry T Rahll	2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-80 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-80 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 26 December 2000 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☒ Interview Summary (PTO-413) Paper No(s). 4 .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Drawings

1. The drawings are objected to because the labeling and some figures do not appear to be uniformly thick and well-defined. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The abstract of the disclosure is objected to because it exceeds the maximum length of 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-49, 51-60, 62-71 and 73-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,076,688 to Bowen et al. in view of U.S. Patent No. 6,305,848 to Gregory.

6. Bowen et al. describes a apparatus to attenuating the optical output of an optoelectronic connector having a mounting surface (2, 3), an optoelectronic device (21, 22) adapted to the mounting surface having a first end, an optical fiber packaged in a ferrule (11) having a first (15) and second end (16) positioned so that the optical elements are aligned to the optoelectronic devices, an optical path extending from the first end of optoelectronic device through the optical element and terminating at the second end of the optical element and an attenuator comprising a on the first end surface of the optical element, capable of attenuating the optical energy emitted from the optoelectronic device, in the optical path (see Figures 1-3, Col 5 Ln 53-Col 6 Ln 28 and Claims 1, 2 and 4).

7. Bowen et al. does not describe the apparatus as having an array of optoelectronic devices or an array of optical elements. Gregory describes a device having arrays of optoelectronic devices (28, 60, 62, 64, 66) and a plurality of optical fibers (see Figures 2-4 and 7 and Col 4 Ln 49-Col 5 Ln 62. The optoelectronic devices described by Gregory are transmitters and receivers, as are the optoelectronic devices described by Bowen et al. It would have been obvious to one of ordinary skill in the art to modify the mating optical connector described by Gregory to have multiple implementations of the simulator described by Bowen et al. to allow for testing of the multiple optical transceivers described by Gregory.

8. While Bowen does not specifically describe the attenuating coating applied to the optoelectronic device or the second end of the optical fiber, it would have been obvious to one of

ordinary skill in the art that such a coating would work equally well in any such position along the optical path and that placement of the coating could be changed for considerations such as ease of assembly.

9. Bowen et al. does not specifically describe the attenuator as capable of reflecting, scattering or absorbing optical energy. However, Examiner takes official notice that filters are well known in the art to have such properties. The attenuator described by Bowen et al. simply has "a filter". Therefore, it would have been obvious to one of ordinary skill in the art to use a filter having reflecting, scattering or absorbing properties.

10. Bowen et al. does not specifically describe the attenuator as comprising smoked glass, frosted-glass, wavy-glass roughened inner surfaces or bubbles on an inner surface of portions of an optical fiber for an attenuator. However, Examiner takes official notice that such fibers are well known in the art to act as attenuators. Therefore, it would have been obvious to one of ordinary skill in the art to use such fibers as attenuators to reduce complexity by eliminating the need for a separate filter attenuator in addition to an optical fiber.

11. Bowen et al. does not specifically describe the optoelectronic device as an oxide vertical cavity surface emitting laser. However, Examiner takes official notice that oxide vertical cavity surface emitting laser are well known in the art s a common type of active transmitter. The attenuator described by Bowen et al. simply has an "active device". Therefore, it would have been obvious to one of ordinary skill in the art to use an oxide vertical cavity surface emitting laser for its favorable transmission properties.

12. Claims 50, 61 and 72 rejected under 35 U.S.C. 103(a) as being unpatentable over Bowen et al. and Gregory as applied to claims 47, 59 and 70 above, and further in view of U.S. patent

No. 4,145,110 to Szentesi. Bowen et al. and Gregory do not describe attenuating the optical signal by changing the relative position of the optical element to the optoelectronic device. Szentesi describes attenuating an optical signal by changing the relative position of two elements along an optical path. It would have been obvious to one of ordinary skill in the art to use the position adjustment attenuation method with the apparatus described by Bowen et al. and Gregory to allow for adjustability in the attenuation of the optical signal.

Conclusion

13. Prior art documents submitted by applicant in the Information Disclosure Statement filed on December 26, 2000 and July 16, 2002 have all been considered and made of record (note the attached copy of form PTO-1449).

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry T Rahll whose telephone number is (703) 306-0031. The examiner can normally be reached on M-F (8:00-5:30), with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (703) 308-4819. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Jerry T Rahll
December 15, 2002

Primary Examiner